

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO

MYRNA ADAMS,

Plaintiff

v.

THE AUTONOMOUS MUNICIPALITY OF SAN
JUAN, ET AL.,

Defendants

RECEIVED AND FILED
SEP 15 PM 2:31
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.
Civ. No. 98-1466

OPINION & ORDER

As part of its responsibility for managing its docket, this Court has revisited the file of this case and notes the following chronology of events:

1. *April 30, 1998*: Plaintiff files her complaint. (Dkt. 1)
2. *June 10, 1998*: Order of recusal from Judge Jaime Pieras, Jr. (Dkt. 6)
3. *June 11, 1998*: Case assigned to Judge Juan Pérez-Giménez (Dkt. 7)
4. *October 26, 1998*: Plaintiff files an amended complaint. (Dkt. 12)
5. *November 16, 1998*: San Juan Municipality files a motion to dismiss for lack of subject matter jurisdiction. (Dkt. 13).
6. *December 1, 1998*: Plaintiff responds to the motion to dismiss. (Dkt. 14)
7. *January 19, 1999*: The Court denies the motion to dismiss.
8. *February 3, 1999*: PREPA files a motion to dismiss pursuant to FED. R. CIV. P. 12. (Dkt. 18)
9. *February 8, 1999*: Plaintiff responds to the motion to dismiss. (Dkt. 19)
10. *February 12, 1999*: San Juan Municipality answers the complaint and crossclaims against PREPA. (Dkt. 20)
11. *July 6, 1999*: The Court denies the motion to dismiss.
12. *August 18, 1999*: PREPA answers the complaint. (Dkt. 22)
13. *February 7, 2000*: Motion by Plaintiff for Attorney Hector Alvarado Tizol to withdraw. (Dkt. 28)
14. *March 16, 2000*: Status Conference held, whereby the Court granted Attorney Alvarado Tizol's withdrawal request and set April 30, 2000 as the deadline for Plaintiff to inform the Court of new counsel. (Dkt. 30)
15. *May 8, 2000*: Motion by San Juan Municipality to dismiss pursuant to Rule 41(b). (Dkt. 32)

37 ml

Civ. No. 98-1466 (PG)

2.

16. *June 26, 2000*: Supplemental Motion by San Juan Municipality to dismiss, referring to previously filed motion (Dkt. 32). (Dkt. 33)
17. *June 29, 2000*: Motion by Myrna Adams to request order allowing Gregory Sun to file pro hac vice appearance. (Dkt. 34)
18. *June 29, 2000*: At a status conference, the Court takes San Juan Municipality's Rule 41(b) motion to dismiss under advisement and grants Plaintiff's request for permission to file an appearance pro hac vice by Gregory Sun. (Dkt. 35)

DISCUSSION

Activity in this case has slowed to a crawl since the withdrawal of Plaintiff's counsel on March 16, 2000. On that date the Court order Plaintiff to notify it of new counsel by April 30, 2000. Over four months have passed and Plaintiff still has not answered the Court's order requiring her to obtain new counsel, nor has she done anything to move her case forward. Plaintiff has thus failed to prosecute her own case and failed to obey an order of this Court. *See* FED. R. CIV. P. 41(b).

It is the plaintiff's responsibility to develop and prosecute her own case. This Court has the responsibility "to achieve the orderly and expeditious disposition of cases," *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962). Therefore, pursuant to this "court['s] . . . unquestionable authority to dismiss a case with prejudice for want of prosecution in order to prevent undue delay in the disposition of pending cases, docket congestion and the possibility of harassment of defendant," *Jardines Ltd. Partnership v. Executive Homeseach Realty Serv. Inc.*, 178 F.R.D. 365 (D.P.R. 1998); *see also* *Zavala-Santiago v. González-Rivera*, 553 F.2d 710 (1st Cir. 1977), the Court **DISMISSES** the case **WITH PREJUDICE**. This Court's docket is congested enough and there is no place for plaintiffs who sit back and waste the Court's valuable time.

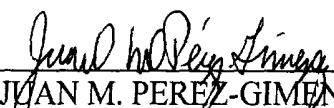
Civ. No. 98-1466 (PG)

3.

WHEREFORE, the above captioned case is hereby **DISMISSED with prejudice** due to Plaintiff's lack of prosecution and failure to comply with the Court's Order dated March 16, 2000 (Dkt. 30).

IT IS SO ORDERED.

San Juan, Puerto Rico, September 13, 2000.



JUAN M. PEREZ-GIMENEZ
U. S. District Judge